REMARKS

Applicant has amended the specification to delete the incorporated by reference material that the Examiner requested be removed.

Claims 11 remains pending, and presently stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stentiford (5,384,701). Applicant respectfully traverses this rejection.

Applicant submits that the combination does not disclose or suggest at least (1) "receiving into a transcription system, in real-time, representations of words spoken in a first language *during a testimonial proceeding*;" (2) "converting, *in real-time*, said representations to text in the first language; (3) "translating, *in real-time*, the text in the first language to text in a second language" and (4) "*communicating the text in the second language to a terminal for real-time display.*"

Specifically, the Office Action acknowledges that "Stentiford does not explicitly state that his system is operating 'during a testimonial proceeding'." To make up for this deficiency in Stentiford, the Office Action relies on the background section and the first sentence of the summary, for a discussion of the Stentiford system as an aid for professional translations and for an alleged disclosure of real-time operation. The Office Action then concludes that "it would be obvious to use [the Stentiford] device in any situation requiring a professional translation in real-time to include a "testimonial proceeding.'" Applicant disagrees, and believes the Stentiford system to be wholly inadequate for use in any kind of testimonial proceeding, and in fact teaches away from its use during a testimonial proceeding.

More particularly, the Stentiford system specifically requires the use of input feedback to the user, and then subsequent manual confirmation by the user before any conversion or translation is performed:

> When the controller 6 has identified the phrase, *it indicates to the user which of the phrases in the first store (i.e., in the input language) it will translate via a speech synthesizer 7 or text output 8. This is confirmed with the user* (the recognizer 4 can also recognize system control words) and the controller 6 *then* outputs, from the collection in

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the second store 2, the required phrase in the second language, via output means such as a speech synthesizer 9 to an output 10.

See column 2, lines 50-58 and Fig. 1, reference numerals 7 and 8 (emphasis added). In other words, as the user inputs into the system, that input is then fed back to the user via a speech synthesizer (Fig. 1, reference numeral 7) or through an output of text (Fig. 1, reference numeral 8). The user must then confirm that the input fed back to them is indeed the input intended to be provided by the user into the system. This clearly involves additional time (for review of the fed back input) and an additional manual step (for actual confirmation of that input) before the system continues to operate.

Clearly, the user input intensive review and confirmation operations of the Stentiford system renders that system not suitable for real-time translation of text from a first language to text in a second language, as the words are being spoken in the first language during a testimonial proceeding (where multiple speakers are speaking, often at once), as claimed by Applicant. If the speech synthesizer (Fig. 1, reference numeral 7) were used for feedback during a testimonial proceeding, there would effectively be a delayed echo in the court room or other room, as the spoken words of each speaker would be repeated for confirmation. This would cause great confusion and render the testimony nearly impossible to follow, since for example, previously input audio would be replayed over current speaking. In addition, a court reporter or other individual would be required to provide an input to the system to confirm the replayed audio is in fact correct, slowing the process. This problem is amplified by the fact that the person who would be confirming the replayed audio during a testimonial proceeding would not be the same person who is actually doing the speaking (and thus the confirming individual would only know what they can hear and remember). The court reporter or other individual would soon fall well behind in the transcription process, and would undoubtedly miss testimony, compromising the transcription process (a critical component of such proceedings).

If instead the text output of the Stentiford system (Fig. 1, reference numeral 8) were used for feedback during a testimonial proceeding, again the court reporter or other individual would

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be required to read the text for confirmation, and then provide an input into the system for such confirmation. The court reporter or other individual would be spending most of his or her time reviewing and confirming prior testimony rather than actually performing the task of transcribing the words spoken during the proceeding. The court reporter certainly cannot pay attention to the required confirmation process of Stentiford, and also transcribe the proceeding at the same time. This problem is amplified by the fact that the person who would be confirming the feedback text during a testimonial proceeding would not be the same person who is actually doing the speaking which is represented by the text (and thus again the confirming individual would only know what they can hear and remember). The court reporter or other individual would soon fall well behind in the transcription process, and would undoubtedly miss testimony, compromising the transcription process (a critical component of such proceedings). In either case therefore, the Stentiford system would effectively cripple the transcription process during a transcription proceeding, and render accurate transcription impossible. Accordingly, it would not be obvious to use the Stentiford system in connection with a testimonial proceeding.

Additionally, for all the same reasons, Applicant submits that Stentiford does not disclose or suggest a "real-time" operation as claimed by Applicant. While the Stentiford reference mentions "real-time" in its background section, Applicant was unable to find any discussion of "real-time" operation in the actual description of the Stentiford system. In fact, based on the time-consuming feed-back review and confirmation required by the Stentiford system, Applicant submits that Stentiford teaches away from real-time translation of text from a first language to text in a second language, as the words are being spoken in the first language during a testimonial proceeding (where multiple speakers are speaking, often at once), as claimed by Applicant.

Moreover, with regard to the "communicating" clause, there is no teaching or suggestion in Stentiford to communicate the text in the second language to a terminal for real-time display. Stentiford does not specifically mention its own display, let alone communicating text in the

second language to another terminal for real-time display. In fact, Stentiford specifically teaches that the text in the second language is *not* communicated:

> Preferably the system comprises first and second terminals operably connected via a data link. The first terminal provides an input means and characterization means, and the second terminal provides a store and output means. The first terminal preferably accepts a phrase in a first language, determines which one of a collection of phrases stored in the store the first language phrase corresponds to, and generates a message for transmission to the second terminal via the data link, which message indicates which of the collection of phrases stored in the store corresponds to the input phrase. *Two-way communication is possible using two symmetrically constructed translation systems. This has the advantage that each unit is only concerned with recognising and synthesising words in the language of the person operating that unit. Communication with the second unit is by means of a protocol which specifies the phrase and the contents of any subordinate phrases. The protocol is independent of language and hence allows messages to be transmitted without the need to identify the target language.*

See column 6, lines 41-61 (emphasis added). Thus, Stentiford teaches that a protocol be sent that specifies certain information, and that the protocol is "independent of language" and can be transmitted "without the need to identify the target [presumably second] language." Thus, no text in the second language is ever communicated. Applicant notes that the Office Action recited the first portion of the above quote to support the rejection of the "communicating" clause. The remaining portion not cited in the Office Action, however, confirms that the Stentiford system does not communicate the text in the second language to a terminal for real-time display.
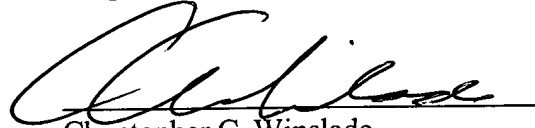
Based on the foregoing, Applicant believes the 35 U.S.C. 103(a) rejection in view of Stentiford (5,384,701) has been overcome.

Finally, Applicant is submitting herewith a Request for a Three-Month Extension of Time to respond to the September 24, 2003 Office Action, as well as a check including the amount of $950.00 to cover the associated fee.

Applicant believes claim 11 is in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, Applicant respectfully requests that the Examiner telephone the undersigned at (312) 775-8108.

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A Notice of Allowability is courteously solicited. Please direct all telephone inquiries to the undersigned at (312) 775-8108.

Respectfully submitted,

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